

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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FIBROMINN VIOLATIONS FAQ

December 29, 2009

What happened at Fibrowatt's Benson, Minnesota poultry waste incinerator?

In September 2008 the Minnesota Pollution Control Agency (MPCA) conducted a review of Fibrominn's operations and found numerous violations of the facility's Title V air permit and the state's air quality rules. In addition to failing to meet reporting deadlines, Fibrominn failed to conduct required stack tests and exceeded allowable emissions limits for extended periods of time.

What emissions limits were violated?

Fibrominn failed the test for total particulate matter (3x the permitted rate), plus excessive nitrogen oxide, sulfur dioxide, and carbon monoxide emissions.

How much was the company fined?

Fibrominn was fined \$65,000 and also required to install additional monitoring equipment at an estimated cost of \$80,000.

How late were the reports Fibrominn submitted to the MPCA?

The reports, some of which were due before the plant became operational, were submitted up to one year *after* the due date.

Did Fibrominn fail to conduct the emissions testing as required by their operating permit?

Yes. Tests for hydrogen chloride (HCL), PM10, mercury, and the emissions monitoring system were conducted several months after their due dates. The Initial Performance Test for NOx, CO, SO2, HCL, dioxins, PM, PM10, mercury, opacity, carbon dioxide, and oxygen was submitted 59 days after the August 18, 2007 deadline. In addition, the Testing Frequency Plan that was due September 2, 2007 was not submitted until July 23, 2008.

What is the current status of Fibrominn's Title V permit?

Fibrominn's Title V permit was issued August 28, 2001 and expired January 2, 2008. As a settlement condition, Fibrominn must submit a major permit amendment application to add an emissions limit for PM10 following new required stack testing. The plant continues to operate.

Did the agreement require Fibrominn employees to undergo any training?

Yes. Plant operators are required to attend Waste Combustor Operator School and submit certification to the MPCA. Plant supervisors and control room operators must attend training sessions at the Minnesota State College Redwing campus.

Did Fibrominn accept responsibility for the violations?

No. Fibrominn calls the failed emissions tests and late reports “alleged violations” and blames them on problems encountered by their engineering, procurement and construction contractor during the plant’s start-up operations.

Who was responsible for the violations that took place during the plant’s start-up?

The Title V permit lists Powerminn 9090 LLC in Boca Raton, Florida as the owner of the plant and Fibrominn LLC in Yardley, Pennsylvania as the operator. Terry Walmsley, Environmental Affairs Manager is the contact for Fibrominn LLC.

Who signed the Enforcement Stipulation for Fibrominn?

The agreement was signed by Carl Strickler, Vice president and Chief Operating Officer of Fibrowatt LLC, Edward Niblock, Secretary of Fibrowatt, and Lee Miller, Executive Vice President of Powerminn 9090 LLC.

Does Fibrowatt still own any interests in Fibrominn?

No. In a filing October 1, 2009, with the Federal Energy Regulatory Commission (FERC), Fibrowatt transferred all of its membership interests in Fibrominn Holdings LLC and Fibrominn to Unagi LLC. Unagi LLC is owned by Contour Global, a New York City hedge fund. Contour Global also owns Powerminn 9090 LLC.